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MASSACHUSETTS COMMISSION ON INDIAN AFFAIRS

2000 Annual Report

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THE COMMONWEALTH OF MASSACHUSETTS

COMMISSION ON INDIAN AFFAIRS

ONE CONGRESS STREET, 10th FLOOR

BOSTON, MA 02114

Jane Swift, Governor

Jane Wallis Gumble, Director
Department of Housing &
Community Development



John Peters, Jr.
Executive Director

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Dear Governor Swift:

On behalf of the membership of the Massachusetts Commission on Indian Affairs, I am pleased to present the Commission's Annual Report for the year 2000. The report is a comprehensive overview of the Commission's programs, work in progress, and activities during the calendar year.

This past year we continued our focus on being more responsive to the issues and needs of the Native American population in the Commonwealth. We have worked closely with associated committees of the Boston Harbor Island Partnership and have investigated a number of Native Graves protection cases that may take several years to resolve.

We appreciate your support of the Commission and its activities as we strive to fulfill our legislative mandate by working on behalf of our people.

Respectfully,



John Peters, Jr.
Executive Director

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Commissioner Biographies

Maurice L. Foxx, Chairperson, is a member of the Mashpee Wampanoag Tribe. After serving in the U. S. Marine Corp during the Vietnam War, he earned a degree in Mechanical Engineering at Northeastern University. He has been employed for 23 years at Faneuil Hall Marketplace in Boston as the Director of Technical Services. He became a member of the Commission on Indian Affairs in 1995 and currently serves as Chairman. He is also Director of the Mashpee Wampanoag Tribal Museum where he was instrumental in persuading the Town of Mashpee to turn over certain lands to the tribe. In addition, Maurice sits on a number of boards and committees including the Advisory Council for Plimoth Plantation's Wampanoag Indian Program, the Pilgrim Society Advisory Board, and the Mashpee Wampanoag Powwow committee. Recently, he collaborated with Children's Museum in Boston on the development of their Wampanoag website.

Janice P. Falcone, was born on the Tonawanda Seneca Reservation in upstate New York. Although her father was a Seneca chief of the snipe clan, Janice is a member of her mother's turtle clan. She is also a member of her mother's Onondaga Nation through matrilineal descent. After college and several years of teaching in the Boston area, Janice became involved with the Boston Indian Council. After both of her children graduated from MIT with degrees in mechanical engineering, Janice graduated to the Directorship of Employment and Training Services for the North American Indian Center of Boston. Janice's most recent involvements have included being appointed to the National Native American Employment and Training Council for the U.S. Department of Labor and also an appointment to the Commission on Indian Affairs. Serving as the National Chairperson for Native American Women for the Second Continental Congress of Women of the Americas in 1992 inspired Janice to address women's issues internationally.

Cheryll L. Holley is a Nipmuc from Worcester, MA. She became a member of the Commission on Indian Affairs in October of 1998. She attended Howard University in Washington, DC and served in the U.S. Army Medical Corp for several years. The mother of three school-age daughters, she is currently a dialysis nurse at UMass Memorial Hospital in Worcester. She is a founding member and current Project Director of the Nipmuc Indian Development Corporation, a non-profit agency dedicated to increasing self-sufficiency in Native people both as a whole and as individuals. A

freelance writer, she has served on various boards and committees in the Worcester area and currently serves as the newsletter editor and as a community educator for the Nipmuc Women's Health Coalition.

Carol J. Mills is a member of the Ojibwa Tribe and was appointed to the Commission on Indian Affairs in October 2000. She has been involved with Indian education issues for the last 20 years. Carol holds a Masters early childhood degree from Wheelock College. Her consulting for Indian Head Start programs takes her all over Indian country. She has worked in the Boston Indian community for over 10 years and has lived in the Mashpee Wampanoag community for over 20 years with husband Earl Mills Jr. and 3 children. Recent involvements has been developing cultural public programming for institutions like The New England Aquarium, The Children's Museum, and various schools and libraries. She has been a supporter of Native political issues throughout Indian country. In her free time she enjoys dancing at pow-wows with her family.

Lucyann Swenson is a member of the Chaubunagungamaugg Nipmuck Indian Tribe. She was appointed to the Commission on Indian Affairs on August 19, 1998 and served her term until it expired in October 2000. She did not seek re-appointment. She had previously served as a commissioner from May 1984 to October 1986. She is married and raised two daughters and a son. She earned a degree in nursing and is currently employed at Umass Memorial Hospital in Worcester. In the mid seventies, she was instrumental in re-uniting and organizing the Chabunagungamaugg Band of Nipmucks, which resulted in the establishment of an independent tribal council to serve as a catalyst for continuing the federal recognition project. She is the Clan Mother of the Chabunagungamaugg Band of Nipmucks and one of the founding members of two Nipmuck Indian schools, one in R.I., one in Webster, MA.

Dr. Herbert R. Waters, Jr., was appointed to the Commission on Indian Affairs on March 24, 1995. A member of the Wampanoag community, he is a life-long resident of the New Bedford-Dartmouth area. He graduated from Providence College and immediately entered the U.S. Marine Corps as a Second Lieutenant. After serving in the USMC, he accepted a teaching position in Dartmouth and then transferred to the New Bedford School Department where he taught for thirty-seven years. For twenty-two of those years, he was the principal of Sgt. Wm. H. Carney Academy, an institution that was known statewide as an

outstanding place of learning with emphasis on multi-cultural education and progressive/innovative methods and techniques for learning. Commissioner Waters has been involved in Indian Affairs for his entire adult life encompassing curriculum development, assisting Slow Turtle and Drifting Goose during the 70's reorganizing effort, and the social/political struggles of Indian people.

Beverly Wright was appointed to the Commission in October 2000. As Chief Elected Official and Chairperson of an eleven member Tribal Council, Ms. Wright maintains the integrity and goals of the Wampanoag Tribe of Gay Head/Aquinnah. She has been Chairperson for ten years and was re-elected to a fourth term in June 1999. Before being elected Chairperson she served the Tribe for twelve years as a Council member, including a term as Treasurer. She has also been a Director of the Title IX Indian Program and was one of the founding committee members of the Aquinas Wampanoag Housing Authority.

Ms. Wright has been vice-President for 6 years and currently serving a third term as Secretary of USET (United South & Eastern Tribes). She is a member of the NCAI (National Congress of American Indians), and a member of the Female Tribal Leaders Association. Ms. Wright is currently serving as a representative of USET to the Indian Health Tribal Self Governance Advisory Board, the National Budget Advisory Board and the Bureau of Indian Affairs/Tribal Budget Advisory Council. She is also a Board member of the international Advisory Council for the Native Nations Institute in Leadership, Management and Policy in Arizona.

(1) Vacancy (Western Mass.)

Staff

John "Jim" Peters, Jr., Executive Director

Burne Stanley, Administrative Assistant (p-t)

Purpose and Responsibilities

The Commission is charged with investigating problems common to Native Americans who are residents of the Commonwealth. It is further charged with assisting tribal councils, Native American organizations, and individuals in their relationship with agencies of state and local government. It assists with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of Native American residents, and any other rights or services concerning Native American residents of the Commonwealth. In addition, it shall provide for the burial expenses for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian.

Work in Progress

Legislative Update

There are several bills that have been resubmitted each year, and they are:

HB 1121 “ An Act to improve the representation on the Commission on Indian Affairs. This bill proposes to increase the number of commissioners to eleven and provide seats for those groups that have filed a Notice of Intent of Federal Recognition Petition to the U.S. Department of Interior, Bureau on Indian Affairs. The Commission opposed this bill because anyone can submit a notice of intent. Passage of this bill could compromise the legitimacy of native populations.

HB 999 “An Act Relative to Vital Records. The act would allow an individual to change the racial designation on their certified birth certificate, given satisfactory proof from a Native American Indian authority, or sworn and notarized statement to substantiate their Native American Ancestry. The bill was sent to committee.

HB 2255 Act relating to the North American Indian Center of Boston. This act would transfer title of the property from the State to the Organization.

SB 387 This Act would enable the state to negotiate gaming compacts with Indian Tribes.

Boston Harbor Islands Update

In an ongoing consultation forum on November 14, 2000 representatives of Native American Tribes having historic cultural affiliation with King Philips War and the Boston Harbor Islands met at the North American Indian Center of Boston. Tribes and participants represented included: Aquinnah/Gayhead, Mashpee, Narragansett, Penobscot, Nipmuc, Delaware, Stockbridge Munsee, Micmac, Commission on Indian Affairs, Massachusetts Water Resource Authority, National Park Service, and other members of the Boston Harbor Island Partnership.

The agenda was slated to discuss the draft Management Plan prepared for the Boston Harbor Island National Recreation Area. There are 30 Islands in the Boston Harbor each with their own history prior and during the colonization of America and in contemporary times. It is the intent of this plan to describe how those histories and public lands will be used in this National Parks context. Three Islands in particular have tragic Native American histories, and whose history has been at the core of the Native discussions.

The past four Native Consultation meetings are viewed as historically notable, bringing our respective nations together after so many generations to commune with one another about a common ancestry and history.

The Boston Harbor Islands Management Plan provides us with a tremendous opportunity to highlight the history and native culture of this area and an early period of America's roots. It includes the concept of creating a cultural center, educational curriculum, and memorials to our people. It is our challenge to see that these goals are carried out.

Through the assistance of the National Park Service we are planning a Northeast Algonquian History Gathering to be held in the Boston area.

Deer Island Memorial

A committee of Native Americans culturally affiliated with the Deer Island internment site has been formed. The Committee is charged with proposing design themes and recommending sites on the Island for the Memorial. A grant proposal submitted by the Massachusetts Water Resource Authority received an award from the Brown Fund to develop specifications for a Native American and Irish Immigrants memorial. The Irish were quarantined on

this island during the 18th century before their admittance to the mainland. With a significant Irish population residing in Boston and the contributions they have made it is only appropriate to pay tribute to them.

Aboriginal Hunting & Fishing Issues

Over the past three decades there has been several court cases that challenged the States' right to impose its hunting and fishing laws on the Aboriginal people. The Native people cited a 1749 Treaty, a repealed Massachusetts General Law of the 1930's and a Proclamation of the Massachusetts House recognizing their Aboriginal Hunting and Fish Rights. These acknowledgements of the Native Peoples assertions were substantiated in a 1978 Barnstable First District Court ruling in their favor. This case established precedent for subsequent cases and for an appeal to the Massachusetts Supreme Court. The success of these cases acknowledging the Natives rights has prompted some Massachusetts communities to develop working cooperative relationships with the native people to protect the common interests of resource management. The Commission facilitated a meeting between the Mashpee Tribe and Massachusetts Fish and Wildlife to discuss the implications of the Supreme Court ruling and the logistics of implementing some amenable process.

Skeletal Remains

In compliance with the State's Unmarked Burial Law, MCLA worked very closely with the Massachusetts Historical Commission to determine the disposition of Native American burials when accidentally discovered or when sites needed to be protected. Sites included:

- North Dartmouth – Building of new school
- Orleans
- Grape Island remains – re-interred
- Gay Head Squibnocket

Mizzenmast Road Burial, Mashpee, MA

An unmarked Indian family cemetery in Mashpee is at risk. This small plot is situated in a high priced subdivision on Mizzenmast Road in South Mashpee on which the owner/developer is carrying a construction mortgage. It has been just over a year since this cemetery was discovered and the Commission has been trying to assist the Mashpee Wampanoag Tribe in raising funds for the purchase of the property. The Trust for Public Land, Massachusetts Historical Commission, and the Department of Environmental Management has made contributions toward this

effort. As it stands now, additional funds are needed. The Commission will continue to look for alternatives in the year to come.

Native American Graves Protection and Repatriation Act (NAGPRA)

The Executive Director is on the Harvard Peabody Museum NAGPRA Advisory Board and is also a Repatriation Officer with the Wampanoag Confederation. NAGPRA is a federal law that requires museums and other federally funded installations to return Native American human remains and associated funeral objects to contemporary culturally affiliated tribes. During the previous fiscal year he successfully completed an accredited training program on the Act and best management practices. Much of the work associated with this is in consultation with Museums and other installations to determine the specifics of the archeological excavation, any pertinent evidence of the individual's environment, and to find secure locations to re-bury these ancestors such that they are not disturbed again.

Native American Mascots

The use of Indian themes for town and school mascots has been widely used in the Commonwealth. It appears as one of the original 13 colonies, in their determination to establish a place in this territory there where many interactions with the aboriginal people, some positive some otherwise. There are stories of positive and enlightened experiences that have become treasured folklore of the community, others allude to confrontation or despicable land transactions to the detriment of the aboriginal people. While the Commission has discussed a position opposing any use of Native Mascots, there has also been discussion on encouraging positive and respectful commemoration of the original people of this land. This office has been approaching the use of Indian mascots case by case encouraging open dialogue in regard to perspectives.

MCAS Exam

The Commission was called upon by Governor Cellucci to assist his administration in the implementation of the MCAS exams. The exam is proposed as the determining factor whether an individual graduates from high school.

In meetings attended by Commission members that included other persons of color, there was criticism that the MCAS was a racially biased exam and another method of excluding people from opportunity. A campaign to repeal this requirement is gaining

momentum with a certain clash before it becomes official next year. There is also a national trend taking place where many states are considering this method, and the President elect endorses this method as well. So, despite the differences of opinion the likelihood of there being some sort of exam is strong. The question with the Commission is - whether there is a test or not - is there something we can do to help our kids compete? The preliminary data places Native kids at the bottom of the pile in Massachusetts. Placing the blame totally on the school systems just passes the buck, and lets us deny our own roles in this education process. We need to honestly look at what the issues are and try to come up with some workable, replicable methodology that we can demonstrate to our people and the state. Because we regarded this as a priority, we will schedule a series of meetings in Boston beginning in January 2001. We will invite representatives from Tribal Council's and Native Groups, parents, families, and Native American educators. At that time, a core group of interested individuals will be identified so that a committee can be formed. The committee will then work with the Native communities and our kids and then formulate an action plan to submit to the Governor's Office that outlines the problems, concerns and prospective remedies that the Native Peoples have as it relates to the MCAS exam.

Communication Towers

In 1998 President Clinton reaffirmed in Section 106 of the Historic Preservation Act, the consultation requirement with Native Americans for projects under federal regulatory jurisdiction. The Federal Communications Commission regulations require that an assessment be conducted on every new personal communications system antenna sites and/or tower sites, to determine whether any Cultural or Sacred Native American sites would be significantly affected by its installation.

This has been a new responsibility for the Commission, and over the course of the year 183 towers were reviewed. Because of the rapid immigration of Europeans in the 1600's, there were blatant cultural conflicts between the peoples. The lack of respect that was afforded the aboriginal culture, directly negated much of the information about cultural and sacred sites had been dispersed or destroyed. This act forces us to initiate new research and documentation of cultural or sacred sites throughout the Commonwealth.

From the Office

Native American Tuition Waiver Program

The Native American Tuition Waiver is a benefit for Native American students who are enrolled and attending Massachusetts state colleges and universities. Through the guidelines set forth by the Board of Higher Education, the Commission is authorized to certify that individuals are of Native American descent and eligible for the waiver. During the Commission Retreat held in Oct. 1999, the guidelines were redrafted and made less ambiguous. This year, the new guidelines were implemented.

Before the beginning of each semester, the Commission sends a letter to the respective colleges and universities with the names of students who have been certified as being Native American. This year, 131 Native American students benefited from this program.

Information and Resources

The Commission has become a large resource for information and materials about Native Americans. This year, the office received more than 2200 requests for information and more than 6000 inquiries from the general public.

Newsletter

New this year was the quarterly newsletter. With the help of Commissioner Holley, three issues went out.

Web Site

The Commission developed a web site that describes its mission and services. It is also used as a resource to distribute information about current issues, news and events. There is an e-mail link on the site so that we can accept comments from the communities. The website address is: www.state.ma.us/dhcd/components/Ind_Affairs

Budget

The budget for fiscal year 2000 was \$92,275.00

Salaries: \$72,967

Travel Expenses: \$3,200

Unemployment Insurance: \$1,600

Administrative Expenses & Supplies \$3,008

Interments \$11,500

Appendix

Massachusetts Historic Tribes Acknowledged by MCIA

<p>Chaubunagungamaugg Nipmuck c/o Chief Wise Owl 265 W. Main Street Dudley, MA 01571 508-949-1651</p>	<p>Hassanamisco Nipmuc c/o Nipmuc Nation Tribal Council 156 Worcester-Providence Road, Suite 28 Sutton, MA 01527 508-865-9800</p>
<p>Mashpee Wampanoag Indian Tribe ATTN: Glenn Marshall, President P.O. Box 1048 Mashpee, MA 02649 508-477-0208</p>	<p>Pocasset Wampanoag Tribe P.O. Box 9661 Fall River, MA 02734 508-674-6658</p>
<p>Seaconke Wampanoag Tribe ATTN: George Jennings, Chief 412 Taunton Avenue Seekonk, MA 02771 508-336-8426</p>	<p>Wampanoag Tribe of Gay Head ATTN: Beverly Wright, Chairperson 20 Blackbrook Road Aquinnah, MA 02535 508-645-9265</p>

Other Tribal Groups in Massachusetts

<p>Assonet Band of Wampanoags ATTN: Chief Windsong Blake 68 Taunton Street Lakeville, MA 02347</p>	<p>Chappaquiddick Wampanoags c/o Al Curtis, Sagamore 31 Worcester Square Boston, MA 02118 617-266-2427</p>
<p>Herring Pond Wampanoags P.O. Box 27 Buzzards Bay, MA 02532 508-888-4290</p>	<p>Ponkapoag Tribe P.O. Box 4064 Brockton, MA 02403 508-697-2941</p>

Indian Centers in Massachusetts

<p>North American Indian Center of Boston, Inc. 105 South Huntington Avenue Jamaica Plain, MA 02130 617-232-0343</p>	<p>Massachusetts Center for Native American Awareness, Inc. 349 Broadway Revere, MA 02151 781-284-7447</p>
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